

Congress of the United States
House of Representatives
Washington, DC 20515

The Honorable Alejandro Mayorkas
Department of Homeland Security
Washington, DC 20528

June 20, 2023

Dear Secretary Mayorkas:

As members of Congress committed to a fair and just U.S. immigration system, we write to respectfully suggest that you take a much-needed step to offer persons who are unjustly deported from the United States a meaningful chance to come home and reunite with their loved ones and communities. Specifically, we ask you to consider using your authority as Department of Homeland Security (DHS) Secretary to establish a centralized unit within DHS that is dedicated to reviewing requests to return submitted by those who were subject to wrongful and/or unjust removals from the United States.

Our current immigration laws have important procedures that allow individuals to make their case for a return to the U.S. after their deportation—especially when U.S. laws change or when new evidence comes to light. As you know, these processes can include a deported person filing a petition for review, a motion to reopen their case, or even applying for lawful status while abroad after they have been deported. In practice, each of these mechanisms are ineffective and insufficient due to the current decentralized review process and the associated lengthy wait times. Instead, a single, central unit within DHS is urgently needed to ensure that people unjustly separated from their families and loved ones by deportation receive a meaningful review of their requests to return to the U.S. under the existing legal remedies afforded by Congress.

Centralizing and streamlining the review of return requests would also ensure fairness and consistency in the adjudication of these requests, would reduce the burden on individual government attorneys and immigration courts, and would orient DHS toward remedying the injustices in our immigration system. DHS's ImmVets initiative, which provides a centralized review process to facilitate the return of deported veterans,¹ demonstrates that a central DHS unit can remedy injustices in an efficient and humane manner. The United States can and should broaden the opportunity provided to veterans through the ImmVets initiative to non-veteran

¹ *ImmVets: Services for Current and Former Immigrant Military Members and their Families*, DHS (last updated Apr. 07, 2021), <https://www.dhs.gov/immvets>.

immigrants who were unjustly deported, in service of helping these deserved immigrants come home and reunite with their families. In particular, the painful and enduring harms of unjust deportations have been imposed on:

- People who have been separated from their children and families after residing in the U.S. for decades;
- DACA recipients who lost their status as a result of ongoing and protracted litigation related to the program;
- People who were retaliated against by the prior presidential administration for exercising their First Amendment right to protest conditions in the immigration system;
- People who succeeded in winning their immigration cases subsequent to deportation and still don't have a chance to come back;
- Nonviolent offenders with decades-old criminal convictions who have since been rehabilitated; and
- People whose criminal convictions that were the basis of removal have been expunged or pardoned.

Deportation permanently separates people from their loved ones and community and results in long-lasting harms to immigrant families and communities.² It separates parents from their spouses and children, leading to destabilizing and enduring poverty and irreparable harm to children left behind. Often, those deported are sent back to dangerous conditions that put their life and well-being at significant risk. The harms of deportation also disproportionately affect Black and Brown immigrant families, who are overrepresented in the deportation system.³

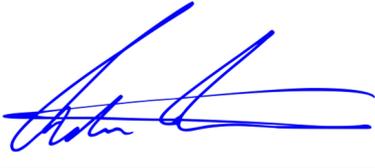
Establishing a centralized unit to review requests to return to the U.S. from people who have been wrongfully or unjustly deported is wholly within DHS's broad legal authority and would bring fairness and credibility to the U.S. immigration system. Bringing home unjustly deported fathers, mothers, community leaders, and workers is also a critical step toward shifting the current U.S. immigration system towards a system that supports family and community unity. Accordingly, we encourage you to exercise your legal authority to establish this central unit to give the unjustly deported a meaningful chance to come home.

Thank you for your consideration of this request.

Sincerely,

² American Psychological Association: Division 27, *Policy Statement on the Effects of Deportation and Forced Separation on Immigrants, their Families, and Communities*, 62 Am J. of Cmty. Psychol. 3, 3-12 (2018), <https://onlinelibrary.wiley.com/doi/epdf/10.1002/ajcp.12256/>.

³ See, e.g., Charles Kamanski, *US immigration policy: A classic, underappreciated example of structural racism*, Brookings Instit. (March 26, 2021), <https://www.brookings.edu/blog/how-we-rise/2021/03/26/us-immigration-policy-a-classic-unappreciated-example-of-structural-racism/>.



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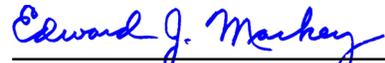
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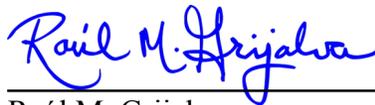
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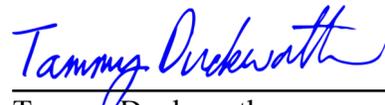
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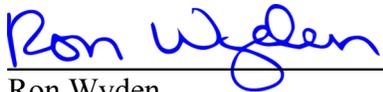
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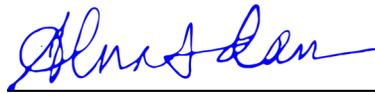
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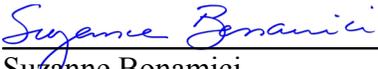
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